

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

Date:

Subject: General Permit Authority for the State of Indiana

From: Dale S. Bryson
Director, Water Division (5W)

To: Ephriam S. King, Chief
Program Implementation Branch (EN-336)

This memorandum sets forth the Region's position that modifying the Indiana NPDES program to include the authority to issue general permits is not a substantial revision of the State's program and, therefore, public notice of the proposed action is not necessary.

The State of Indiana was delegated the NPDES program on January 1, 1975 and subsequently obtained U.S. EPA approval of revisions to that program for Federal facilities on December 9, 1978. In a letter dated _____, Indiana submitted a formal request for authority to administer a general permit program.

A memorandum from the Deputy Assistant Administrator for Water Enforcement dated February 12, 1981, entitled "Determining Whether Revisions to State NPDES Program Made to Authorize the Issuance of General Permits are Substantial" provided factors to be used by the Regional Administrator in determining whether a program modification to include general permit issuance is substantial. These factors included the following: the scope of the intended general permit program in terms of size and nature of sources or activities covered and the anticipated environmental effect of the program; the sensitivity of the State's receiving waters; the State's statutory and regulatory authority for administering a general permit program; opportunity for public participation; and any description of the proposed program provided by the State. Using the aforementioned document as a basis for our decision, we offer the following information to support our belief that the program revision is not substantial.

1. Indiana has had the authority to issue NPDES permits for 15 years. The State program is well established and dischargers are aware that the State operates the NPDES permit program. The State published proposed revisions to its permit rules on _____, and the notice of adoption on November 1, 1987. These revisions included the provision to allow issuance of general permits. Therefore, interested parties have had a recent opportunity to review and submit comments on these revisions and know of the State's intention to issue general permits. The State's statutory and regulatory authority to issue general permits has been established.

2. The program description submitted with the State's request for general permit authority set forth the scope of the intended use of this authority in terms of sources or activities to be covered. It states that the general program will be used to provide coverage for low priority dischargers. The general permit program will have a beneficial environmental effect because it will allow the State to implement the permitting of classes or categories of ~~small~~ sources of pollution which have ~~very~~ minor water quality impacts. The State resources can then be used for those dischargers having a significantly greater potential for impacting water quality, aquatic life, or human health. Dischargers to be covered by a general permit will be subject to essentially the same permit, namely, the need to file an application, public notice of a draft permit, opportunity for administrative review, submittal of Discharge Monitoring Reports, and an enforcement action for failure to comply with the conditions of the general permit.

3. As a State policy and to assure protection of the most sensitive of the State's waters, the State will not extend coverage of a general permit until it has assessed the impact of the permitted discharge(s) on the receiving water.

If you have any questions regarding this matter, call Jack Newman, Permits Section at 886-6096.

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procedures and conditions as if that discharger needed an individual